IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12809 of 2004

Between:

K.Venkateswarlu, S/o K. Naganna, Fair Price Shop dealer, Ward Nos.5 and 6 of Molagavalli Village residing at Molagavalli Village, Alur Mandal, Kurnool District.

..... PETITIONER

AND

1 The District Collector, Kurnool District at Kurnool.
2 The Revenue Divisional Officer Adoni, Kurnool District.
3 The Mandal Revenue Officer, Alur Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order of direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in issuing Notification Vide Proceedings RC.M.No.444/2004 dated =.5.2004 for appointment of Fair Price Shop Dealer of Ward Nos.5 and 6 of Molagavalli Village, Alur Mandal, Kurnool District as bad, arbitrary, illegal and violative of Principles of natural justice and consequently direct the 2nd respondent to continue the petitioner herein as Fair Price Shop Dealer of Ward Nos.5 and 6 of Molagavalli Village on regular basis.

Counsel for the Petitioner: MR.C.DAMODHAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

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ORDER:

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Heard the learned Counsel for petitioner and the learned Government Pleader for respondents.

The petitioner was appointed as Fair Price Shop dealer for Ward Nos.5 and 6 of Molagavalli Village. Alur Mandal, Kurnool District on 13-02-2000 on temporary basis, initially, for a period of three months and the same has been extended from time to time. It is stated that as on today, the petitioner is being continued as a dealer on temporary basis and he has lifted the stock even for the month of July, 2004. While so, the 2nd respondent – Revenue Divisional Officer, Adoni, issued a notification in the month of May, 2004, for making appointment to the said Fair Price Shop on regular basis. It appears that the selection process is in progress.

The petitioner states that on coming to know about the steps being taken by the 2nd respondent, he approached the 2nd respondent and requested to appoint him in the said vacancy, since he is possessing all the required qualifications. However, his request has not been considered by the 2nd respondent – Revenue Divisional Officer, Adoni and he is proceeding with selection process. The petitioner states that he has satisfied the eligibility criteria as prescribed under the notification and that since this is the only source of income for his livelihood, the 2nd respondent ought to have considered his request and ought to have appointed him on permanent basis. In the circumstances, this writ petition is filed seeking a declaration that the notification issued by the 2nd respondent for appointment on permanent basis is arbitrary and illegal.

I am afraid that such a relief cannot be granted. Admittedly, the petitioner is a temporary dealer and as such he cannot claim any right for appointment on regular basis. It is always open to the petitioner to offer his candidature in pursuance of the impugned notification issued for making the appointment on regular basis, in which event, the appointing authority will consider the same and make the selections in accordance with law.

However, the learned Counsel for the petitioner states that the petitioner apprehends that he is likely to be disturbed even before the appointment is made under the impugned notification. It is made clear that till the permanent appointment is made under the impugned notification, the petitioner should not be disturbed without following due process of law.

With the above direction, the writ petition is disposed of. No costs.

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22nd July, 2004.

DR

To

1 The District Collector, Kurnool District at Kurnool.
2 The Revenue Divisional Officer Adoni, Kurnool District.
3 The Mandal Revenue Officer, Alur Mandal, Kurnool District.

4 Two CCs to Govt. Pleader for Civil Supplies, High Court of

A.P., High Court Buildings, Hyderabad. (OUT)

5 Two CD copies.